IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 39 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF WEALTH TAX

Versus

SHRI ASHWINBHAI C.SHAH (CHANDULAL M SHAH)

Appearance:

1. WEALTH TAX REFERENCE No. 39 of 1985
MR AKIL QURESHI FOR MR RP BHATT for Applicant.
MR JP SHAL for Respondent.

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 25/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

1 At the instance of the revenue, the following question has been referred to this Court by the Income Tax Appellate Tribunal, Ahmedabad, Bench "B" under the provisions of section 27(1) of the Wealth Tax Act,1957.

"Whether, on the facts and in the circumstances of the case, the Appellate Tribunal was right in law, in holding that assessee's share of Rs.57,600/- in outstanding fees of the firm in which he was a partner was not includible in the net wealth of the assessee?"

2. Learned Advocate Mr.Akil Qureshi has appeared for the revenue and Mr.J.P.Shah has appeared for the respondent-assessee.

3. Before learned Advocate Mr.Akil Qureshi appearing for the revenue opened his case, it was submitted by learned Advocate Mr.J.P.Shah that the stake involved in the said Reference was so meagre that he would not like to waste time of the Court and the assessee was also not inclined to oppose any view that the Court might express in this matter.

4. In view of the said concession given by the learned Advocate appearing for the assessee, we answer the question in the negative i.e. in favour of the revenue and against the assessee.

5. The Reference stands disposed of accordingly with no order as to costs.

Sd/- Sd/-

(A.R.Dave, J) (D.A.Mehta,J)

m.m.bhatt